Quarterly Report

OF THE

ATTORNEY GENERAL

OF

ALABAMA

FOR THE PERIOD

FROM JULY 1, 1980
THROUGH SEPTEMBER 30, 1980

CHARLES A. GRADDICK, Attorney General

VOLUME 180

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QUARTERLY REPORT

of the

ATTORNEY GENERAL

of

ALABAMA

For the Period

From July 1, 1980

Through September 30, 1980

TO THE STATE, COUNTY, AND MUNICIPAL OFFICERS OF ALABAMA:

This Quarterly Report of the Attorney General of Alabama, which includes all official opinions rendered by the Attorney General from July 1, 1980, through September 30, 1980, is published in compliance with the provisions of Section 36-15-1, **Code of Alabama 1975.**

Under this section of the **Code,** I am required to send seven copies of this Quarterly Report to each judge of probate in the State, and the judge of probate, in turn, is required to deliver one copy each to the clerk of the circuit court, the sheriff, the tax collector, the tax assessor, the county superintendent of education, and the deputy district attorney of his county. The section also requires that I send a copy of this report to each district attorney and the chief executive officer of each incorporated municipality in the State.

The Office of the Attorney General is anxious to render prompt and efficient service to the state, county, and municipal officials. If you have any suggestions to make regarding the improvement of the service, I shall be glad to hear from you.

Sincerely,

CHARLES A. GRADDICK

Attorney General

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July 3, 1980

Honorable Mixon Jones
Mayor, Town of Gulf Shores
P. O. Box 299
Gulf Shores, Alabama 36542

Municipalities—Elections—Candidates

Candidate for municipal election satisfies residence requirement if temporary absence does not effectuate change of domicile.

Opinion by Assistant Attorney General Ussery

Dear Mayor Jones:

You have asked the question of this office concerning qualifications for candidates in the upcoming mayor-council election, particularly as it concerns displaced persons living in governmental housing outside the city limits due to Hurricane Frederic.

It is the opinion of this office that the question is controlled by the following sections of the Alabama Code:

> **Code of Alabama 1975,** §11-43-1 — "Every Mayor, councilman and officer elected by the whole electorate of the city or town shall be a resident and qualified elector of the city or town in which he shall have been elected and shall reside within the limits of the city or town during his term of office. The councilmen shall be qualified electors of said city or town, residing within the limits of the ward from which they shall have been elected and shall reside within the limits of said ward during the term of their office."
>
> **Code of Alabama 1975,** § 17-3-11 — "No person shall lose or acquire a residence either by temporary absence from his or her place of residence without the intention of remaining or by navigating any of the waters of this state, the United States or the high seas, without having acquired any other lawful residence, or by being absent from his place of residence in the civil or military service of the state or the United States."

Therefore, the candidate must be a resident and qualified elector, and must have his residence within the limits of the city or town. Such residence, once acquired, shall not be lost by temporary absence without the intention of remaining. The latter section recognizes the established principles concerning domicile, which is defined by the case law as that place where a man has his true, fixed and permanent home and principal establishment, and to which whenever he is absent he has the intention of returning. The case law goes further to grant

a presumption in favor of a former domicile. See generally **State Ex Rel. Rabren v. Baxter,** 46 Ala. App. 134, 239 So. 2d 206 (1970).

I hope this is the information you desire to answer the question addressed.

Yours very truly,

CHARLES A. GRADDICK
Attorney General

July 3, 1980

Claud E. McCoy, Mayor
City of Lanett
Post Office Box 290
Lanett, Alabama 36863

Municipalities—Taxation—Police Jurisdiction

In overlapping police jurisdictions, city may collect privilege, use, sales and excise taxes only in area closest to its boundary.

Opinion by Assistant Attorney General Smith

Dear Mayor McCoy:

This office has received your opinion request regarding taxing power in overlapping police jurisdictions. A new municipality was incorporated in 1980 and its police jurisdiction overlaps that of Lanett.

Your first question is whether the City of Lanett may continue to collect a privilege license in the overlapping jurisdiction.

Code of Alabama 1975, § 11-51-91 provides:

> Any city or town within the state of Alabama may fix and collect licenses for any business, trade or profession done within the police jurisdiction of such city or town but outside the corporate limits thereof; provided, that the amount of such licenses shall not be more than one half the amount charged and collected as a license for like business, trade or profession done within the corporate limits of such city or town, fees and penalties excluded; provided further, that when the place at which any such business, trade or profession is done or carried on is within the police jurisdiction of two or more municipalities which levy the licenses thereon authorized by this section, such licenses shall be paid to and collected by that municipality only whose boundary measured to the nearest point thereof is

> closest to such business, trade or profession; and provided further, that this section shall not have the effect of repealing or modifying the limitations in this division relating to railroad, express companies, sleeping car companies, telegraph companies, telephone companies and public utilities and insurance companies and their agents.

See: **Town of Graysville v. Johnson,** 33 Ala. App. 479, 34 So.2d 708 (1948). Therefore, it is the opinion of this office that with regard to those businesses, professions or trades carried on in the overlapping police jurisdictions the City of Lanett may collect privilege licenses only from those which are carried on closer to the boundary of Lanett than Valley.

Your second question is whether the City of Lanett may continue to collect a sales tax in the overlapping jurisdiction. The authorization for the levy and assessment of sales, excise or use taxes in the police jurisdiction is found in **Code of Alabama 1975,** § 11-51-206. The amount levied and assessed in the police jurisdiction may not exceed one-half the amount levied within the corporate limits. The statute is silent in the matter of overlapping jurisdictions.

In **Town of Graysville v. Johnson,** 33 Ala. App. 479, 34 So.2d 708, 712 (1948), the Court of Appeals stated:

> . . . It would be out of harmony with what appears to us to be the intent and purpose of the act to make this privilege dependent upon which one of the three attempts first to exercise the right. We cannot hold that the legislature designed or intended to establish jurisdiction in the matter by any scrambling method. A contrary view would force a situation which would entail much confusion and uncertainty.

Although the court was reviewing what is now **Code of Alabama 1975,** § 11-51-91, their reason is cogent. Therefore, it is the opinion of this office that the City of Lanett may levy and assess sales, excise and use taxes in the overlapping police jurisdictions only in the area which is closer to the boundary of Lanett than Valley.

I do hope that this response has fully answered your question. If, however, we may be of further assistance to you in the future, please do not hesitate to let us know.

Sincerely yours,

CHARLES A. GRADDICK
Attorney General

July 3, 1980

Honorable R. J. Stembridge
Judge of Probate
Houston County
P. O. Box 6406
Dothan, Alabama 36302

Counties—Legal Notices—Newspapers

Notices required by law to be published, including the list of qualified voters, may not be published in a newspaper that does not meet the requirements of Section 6-8-60, **Code of Alabama 1975.**

Opinion by Assistant Attorney General Breland

Dear Judge Stembridge:

This is in response to your request for an opinion of June 5, 1980, which reads in part, as follows:

> "As Probate Judge, I understand my responsibility under Section 17-4-129 of the **Code of Alabama (1975)** is to publish an alphabetical list of qualified voters in this County prior to a regularly scheduled election. Since this publication is required by statute, I further understand that it must be published in accordance with Section 6-8-60 of the Code which section sets forth the minimum requirements for a newspaper eligible to run legal notices.
>
> "A question has arisen as to whether one of the local newspapers is eligible to run legal notices including the list of qualified voters. There has been no question that one of the papers meets all the qualifications to run legal notices. According to information which I have, the other newspaper has an office in Houston County although it is actually printed in an adjoining County. I further understand that they have no paid circulation, do not have a second class mailing permit and have not mailed any copies of the paper under a second class permit during the past year. Therefore, to resolve this question, I request a formal opinion from your office on the following question:
>
> " 'May a newspaper that does not meet all the requirements of Section 6-8-60 of the Code be designated to run legal notices required by law to be published, including the list of qualified voters?' "

In answer to your question, it is my opinion that the list of qualified voters which you are required by law to publish must be

published in a newspaper which meets all of the requirements set out in Section 6-8-60, **Code of Alabama 1975.** I reach this conclusion because Section 6-8-60 specifically states that all publications required **by any law** to be published in a newspaper must meet the requirements enumerated. Those requirements are that the paper in which the notice is printed (1) be printed in the English language, (2) have a general circulation in the county, (3) have its principal editorial office within the county, (4) be mailed under the second class mailing privilege, and (5) be published for at least 51 weeks a year.

It should be noted that in a prior Attorney General's opinion of June 21, 1978, it was stated that the determination as to whether a particular newspaper meets these requirements is a question of fact which must be resolved by the probate judge who is responsible for publishing the voter list. See Volume 171, Quarterly Report of Attorney General, p. 32.

If this office can be of further help, please let us know.

Sincerely,

CHARLES A. GRADDICK
Attorney General

July 10, 1980

Honorable James M. Oliver
Mayor, Town of Phil Campbell
P. O. Drawer E
Phil Campbell, Alabama 35581

Phil Campbell, Town of—Elections—Voting Machines

Voting machines which break down during an election should be repaired or a substitute obtained and if this can not be done, paper ballots should be used.

Opinion by Assistant Attorney General Solomon

Dear Mayor Oliver:

We are in receipt of the request of the Town of Phil Campbell for an opinion. Although the letter is dated June 17, 1980, it was received by this office on June 30, 1980. The question asked was as follows:

> "Since we use two machines in the municipal election, if one machine mal-functions is it permissable for voters of that machine to continue voting on the other machine?"

Section 17-9-28, **Code of Alabama 1975,** reads as follows:

"If any voting machine being used in any election shall become out of order during such election, it shall, if possible, be repaired or another machine substituted by the authority holding such election, as promptly as possible, for which purpose the county commission or city commission may purchase, rent or lease as many extra voting machines as they may deem necessary; but in case such repair or substitution cannot be made, paper ballots, printed or written, and of any suitable form, may be used for the taking of votes.

"In the event the use of paper ballots become necessary, as set out in this section, the authority holding such election shall provide a ballot box or similar appropriate receptacle for the deposit of the ballots, and such supplies and election officers as may be necessarily incident to voting by paper ballot. In the event the use of paper ballots becomes necessary as hereinabove provided, such use of paper ballots shall be in all respects as required by law."

If one of the machines used by the town should break down, efforts should be made to have it repaired or another working machine substituted for the broken one. If the machine cannot be timely repaired or another machine obtained in a timely fashion, you may use paper ballots as stated in the above section or allow the remaining machine to be used by all voters who had not voted.

The right to vote is a sacred right and all efforts should be made to insure that every voter is given an opportunity to exercise this precious right.

Sincerely yours,

CHARLES A. GRADDICK
Attorney General

July 28, 1980

Commissioner R. G. Britton
Board of Corrections
Montgomery, Alabama 36130

Board of Corrections—Prisons and Prisoners—Good Time Law

Act No. 80-446, the "Alabama Correctional Incentive Time Act," applies only to sentences served for crimes committed after May 19, 1980. The Act applies to all sentences served for crimes committed after May 19, 1980, regardless of whether the inmate who served such a sentence has served any sentence

for crimes committed before that date. The provision of the act excluding inmates serving a sentence of ten years or more from any Correctional Incentive Time does not apply to an inmate who is serving ten years or more only by virtue of consecutive sentences being totaled.

Opinion by Assistant Attorney General Carnes.

Dear Commissioner Britton:

Your recent request for an advisory opinion from this office raises three questions about Act No. 80-446, the "Alabama Correctional Incentive Act."

The first question you ask is whether the repeal of the existing good time laws in section 5 of Act No. 80-446 affects commutation of time in respect to sentences for crimes committed prior to the May 19, 1980 effective date of the act. The answer is no.

Section 4(b) of the act specifically states that:

> The provisions of this act shall not be applicable to any prisoner serving time prior to the effective date of this act, nor to any person who commits an offense prior to the effective date of this act, even if such person is sentenced after the effective date of this act. Deductions from sentences of such persons shall be earned at the same rate as provided by law prior to the enactment of this act. . . .

The repealer clause, like all other "provisions of this act," does not apply to sentences for crimes committed prior to the effective date of the act.

It is true that section 2 of the act appears to make the act applicable to any prisoner convicted after its effective date even if the crime was committed before the effective date. However, that is directly contrary to the provisions of section 4(b). As the Alabama Supreme Court has held, "[i]t is a well settled principle of statutory construction that as between conflicting provisions of the same act, the last provision in point of arrangement controls . . ." **Wilkins v. Woolf,** 281 Ala. 693, 699, 208 So.2d 74 (1968); **accord, e.g., State v. Crenshaw,** 287 Ala. 139, 142, 249 So.2d 622 (1971). Since section 4(b) comes after section 2 in point of arrangement, its provision controls.

If any further guidance is needed on the issue, it is found in the well established rule that where the provisions of an act are ambiguous, the controlling intent may be inferred from the provisions found in the title of the act. **See, e.g., Hamrick v. Thompson,** 276 Ala. 605, 165 So.2d 386 (1964). The title of Act No. 80-446 indicates that those prisoners "who are convicted for crimes committed prior to the effective date of this act . . . shall earn deductions from sentences as presently provided by law."

Your second question concerns the provision of section 2 of the act that, "no person may receive the benefits of Correctional Incentive Time if he or she . . . has received a sentence of ten years or more." You ask whether consecutive sentences are totaled for purposes of this rule excluding those serving a sentence of ten years or more from any Correctional Incentive Time. The example you give is of an inmate sentenced to two five-year sentences to run consecutively. The answer is that the ten-year rule does not apply to an inmate who is serving ten years or more only by virtue of consecutive sentences being totaled. To be excluded from Correctional Incentive Time entirely by virtue of the ten-year rule, an inmate must receive one sentence which is in and of itself for ten years or more.

The intent of the ten-year rule can best be drawn from the paragraph in which it was placed in the bill, a paragraph containing alternative descriptions of the seriousness of single offenses. The Legislature intended that the ten-year rule apply only when an inmate is serving a sentence for a crime that was serious enough in itself to warrant a ten-year sentence without regard to any other sentences that may have been made to run consecutive to it.

Your third and final question concerns the part of section 4(b) of the act, which provides:

> The provisions of this act shall not be applicable to any prisoner serving time prior to the effective date of this act, nor to any person who commits an offense prior to the effective date of this act, even if such person is sentenced after the effective date of this act. . . .

You ask, "Does this have any applicability to those now serving sentence, or who have previously served a sentence, and who are subsequently convicted for a crime committed after 19 May 1980." In other words, if an inmate who was in prison on or before the effective date of the act is later sentenced for a crime committed after the effective date of the act, does the act apply to him when he begins serving that later sentence. The answer is that it certainly does.

Act No. 80-446 was enacted as reform legislation, and its general effect is to restrict the amount of sentence commutation which is available to inmates. The purpose of section 4(b) is to prevent any retroactive application of the act, not to reward inmates for being in prison at the effective date of the act by exempting them from its provisions forever after.

Any sentence for a crime committed prior to May 19, 1980 is governed by the preexisting good time laws, but any sentence for a crime committed after that date is governed by Act No. 80-446 and this is true even if the inmate who committed it was incarcerated for a different crime earlier. Any other application would do nothing

but reward habitual criminals by giving them a lifetime entitlement to the more lenient preexisting law, and that would be an absurd result.

I hope that this opinion answers all your questions about Act No. 80-446. If not, please let us know.

Sincerely,

CHARLES A. GRADDICK
Attorney General

July 28, 1980

Neil Lauder, Chairman
Baldwin County Commission
P. O. Box 148
Bay Minette, AL 36507

Ms. Ina H. Becker
Tax Assessor
Baldwin County
Bay Minette, AL 36507

Baldwin County—Revenue Department—Ad Valorem—Reappraisal

Pursuant to **Code of Alabama 1975**, §§ 40-2-11, 40-2-16 through 40-2-18 and 40-7-60, et seq., and the law as set forth in **Weissenger v. Boswell,** 330 F. Supp. 615, the Department of Revenue and the Commissioner of Revenue have the authority and responsibility to order and supervise the reappraisal of property in any county in the state by the tax assessor thereof.

Opinion by Assistant Attorney General Davis.

Dear Mr. Lauder and Ms. Becker:

In your letter of July 1, 1980 you refer to an order of the Commissioner of Revenue dated June 13, 1980 regarding ad valorem reappraisal and ask the following question: "Does the Commissioner of Revenue have authority to order or direct a Tax Assessor to reappraise all property in his . . . county . . .?"

The answer to your question is affirmative. Not only does the Commissioner have the authority to order or direct a Tax Assessor to reappraise all property in his county, the Commissioner is under an affirmative duty to do so. **Weissenger v. Boswell,** 330 F.Supp. 615 (M.D. Ala. 1971).

The powers and duties of the Department of Revenue and its

Commissioner are set forth generally in **Code of Alabama 1975,** § 40-2-11. Subsections 1, 2, 3, 4, and 10 are particularly pertinent to your inquiry, and provide, **Inter alia** as follows:

> ". . . the department of revenue . . . shall have the power and authority . . .:
>
> (1) To have and exercise general and complete supervision and control of the valuation, equalization and assessment of property . . . taxes for the state and counties, and of the enforcement of tax laws of the state, and of the several county tax assessors and county tax collectors, probate judges and each and every state and county official, board or commission charged with any duty in the enforcement of tax laws, to the end that all taxable property in the state shall be assessed and taxes shall be imposed and collected thereon in compliance with the law and that all assessments on property . . . in the state shall be made in exact proportion to the fair and reasonable market value thereof in substantial compliance with the law;
>
> (2) To equalize, value and assess or cause to be equalized, valued and assessed any property subject to taxation, and such valuations and assessments it shall enter or cause to be entered in the property assessment book, record or minutes of the proper official . . .
>
> (3) To confer with, advise and direct the several county tax assessors, county tax collectors, probate judges, boards or commissions and each and every state and county official charged with the assessment and collection of taxes as to their duties under the laws of this state;
>
> (4) To direct actions to be instituted . . . to compel any officer or taxpayer to comply with the provisions of the tax laws; to direct actions, prosecutions and proceedings to be instituted to enforce the laws of this state relating to taxes, . . .
>
> (10) To visit, by the commissioner or by duly authorized agents, the several counties in the state for the purpose of investigating the work and methods of county tax assessors, tax collectors, probate judge or other officers or boards charge with the duty of administering the tax laws of the state; . . ."

In addition to the foregoing, the department has equalization responsibilities and authority under **Code,** supra, §§ 40-2-16 through 18 and 40-7-60 et seq.

In view of the foregoing statutes and the case cited, it is the opinion of this Office that the Department of Revenue and the Commissioner of Revenue have the authority and responsibility to order and supervise the reappraisal of property for ad valorem tax purposes by the tax assessors of the several counties of this state.

I trust that the foregoing answers your question.

Yours very truly,

CHARLES A. GRADDICK
Attorney General

July 28, 1980

Honorable Harvey E. Martin
Mayor, Town of Frisco City
P. O. Box 119
Frisco City, Alabama 36445

Frisco City—Municipal Ordinances—Zoning

Enactment of zoning ordinances discussed.

Opinion by Assistant Attorney General Smith.

Dear Mayor Martin:

This office has received your opinion request dealing with zoning ordinances. Your first question is:

> Do the provisions under Sections 11-45-1 through 11-45-9 (Ordinances) **Code of Alabama 1975,** apply directly to the adoption of zoning ordinances or are municipalities only legally bound to the adoption process as set forth in Section 11-52-77 of Article 4 entitled Zoning when adopting an ordinance providing for the zoning and orderly growth of the area?

It is the opinion of this office that the provisions of **Code of Alabama 1975,** §§ 11-45-1 through 11-45-9 must be followed in the adoption of all ordinances, including zoning ordinances. **Code of Alabama 1975,** §§ 11-52-74 and 11-52-77, construed together, mandate notice to the public of a proposed zoning ordinance for a minimum of fifteen days prior to its passage and require that all persons who desire shall have the opportunity to be heard in a public hearing. **Builders Development Corp. v. Opelika,** 360 So.2d 962 (1978). Sections 11-45-1 through 11-45-9 contain the complete procedure, from start to finish, which must be followed in the adoption of any ordinance and are mandatory. Sections 11-52-74 and 11-52-77, which require a public hearing on matters of zoning are, therefore, only supplemental to the provisions of Section 11-45-1 through 11-45-9.

Your second question reads as follows:

> Is a zoning ordinance considered to be of a permanent nature, since it is subject to amendments, from time to time, as the occasion demands?

Your question is to be answered in the affirmative. Ordinances of permanent operation are those which continue in force until they are repealed. **City of Prichard v. Moulton,** 277 Ala. 231, 168 So.2d 602 (1964).

Your third question is:

> Was it the intention of the legislature to disavow the principle of majority rule in Town and Cities of less than 12,000 population?

Your question is based on **Code of Alabama 1975,** § 11-45-2(b) which provides:

> No ordinance or resolution intended to be of permanent operation shall be adopted by the council at the same meeting at which it is introduced, unless unanimous consent of those present is given for the immediate consideration of such ordinance or resolution, such consent to be shown by a vote taken by yeas and nays, and the names of the members voting shall be entered upon the minutes, and no ordinance or resolution intended to be of permanent operation shall become a law unless on its final passage a majority of the members elected to said council in cities of over 12,000 inhabitants or the mayor and three aldermen or four aldermen in cities of less than 12,000 inhabitants and in towns shall vote in its favor.

In cities and towns of less than 12,000 inhabitants the mayor may vote as a member of the council. **Code of Alabama 1975,** §11-43-2. This is not true in cities of over 12,000 inhabitants. Thus, in a council of a city or town of less than 12,000 there are six votes which may be cast should the mayor exercise his discretionary privilege to vote. Therefore, in requiring the vote of the mayor and three aldermen or four aldermen, the Legislature has not disavowed the principle of majority rule although the Legislature, should it so desire, could establish voting percentages at some level other than a majority. It is, therefore, the opinion of this office that in cities, or towns of less than 12,000 inhabitants no ordinance of a permanent nature shall become a law unless the mayor and three aldermen or four aldermen vote in its favor.

Your fourth question is:

> Is there a statute of limitations on the appeal of such ordinances?

Code of Alabama 1975, § 11-52-81 provides that any party aggrieved by any final judgment or decision of a board of zoning adjustment may within fifteen days after the decision appeal to the circuit court. However, the proper adoption of a zoning ordinance or the enforcement or application of such ordinance may be challenged in a court of competent jurisdiction at any time.

Your fifth question is:

> If the zoning ordinance by the Town Council of Frisco City, Alabama is revoked, what action, if any, can the Town of Frisco City now take to enforce past zoning decisions now in effect?

If a court of competent jurisdiction should find the entire zoning ordinance of Frisco City to be invalid, the Town could not enforce the old ordinance in any manner.

Your last question reads as follows:

> What steps need now be taken by the Town of Frisco City to adopt a new zoning ordinance, if necessary, to ensure the legality of such an ordinance?

The Town of Frisco City should follow the provisions of **Code of Alabama 1975,** §§ 11-52-70 through 11-52-84 and 11-45-1 through 11-45-9.

I do hope this response fully answers your questions. If, however, we may be of further assistance in the future, please do not hesitate to contact us.

Sincerely yours,

CHARLES A. GRADDICK
Attorney General

July 28, 1980

Honorable Roy W. Johnson, Jr.
State Representative
District No. 47
Route 4, Box 140
Tuscaloosa, Alabama 35401

Boards of Education—Employees, employers, employment—Expenses

Local boards of education may set policy regarding payment of expenses to public school staff members for use of private vehicle on official business.

Opinion by Assistant Attorney General Forehand

Dear Representative Johnson:

I have received your request for an Attorney General's advisory opinion as to the legality of paying staff members of a public high school mileage for business related travel in their personal vehicles.

Code of Alabama 1975, § 16-13-32 provides, in pertinent part, as follows:

> "All local school moneys raised for the support of public schools by taxation or otherwise shall be apportioned and expended in the district or districts or counties in which the same were raised, under such rules and regulations as the county or city board of education, as the case may be, may prescribe . . ."

It is the opinion of this office that under this section and under the general administrative and supervisory powers of county boards of education found in **Code of Alabama 1975**, Title 16, Chapter 8, county boards of education may, in their discretion, set policies which would provide for the payment of expenses to public school staff members for the use of private vehicles on official business.

I hope this answers your questions. If I or this office can be of further assistance, please do not hesitate to call on us.

Sincerely,

CHARLES A. GRADDICK
Attorney General

July 31, 1980

Honorable John L. Beard
Judge of Probate
Marshall County

Honorable Wallace K. Brown
Judge of Probate
Russell County

Honorable Robert H. Kirksey
Judge of Probate
Pickens County

Honorable Fred L. Huggins
Judge of Probate
Clarke County

Honorable Wiley J. Hickman
Judge of Probate
Etowah County

Honorable George A. Desmond
Judge of Probate
Bibb County

All c/o Marshall County Courthouse
Guntersville, Alabama 35976

Taxation—Sales Tax—Vehicles—Probate Judges

Administration problems and constitutionality of Act 80-477 discussed.

Opinion by Assistant Attorney General Davis.

Dear Judges:

In your letters dated July 10 and 22, 1980, you ask of this office several questions regarding Act 80-477.

On May 19, 1980, the legislature passed Act 80-477. This Act makes several substantial changes in the sales tax law as it applies to these items: automotive vehicles, boats, boat motors, boat trailers, truck trailers, semi-trailers and house trailers. Under this Act these items are no longer subject to the retail dealer's license tax of **Code of Alabama 1975,** §40-23-2 (which is passed on to the consumer under **Code,** supra, 40-23-26 thus comprising the sales tax as ordinarily understood). Instead these items are to be subject to a tax levied directly upon the purchaser. This new tax is to be paid by the purchaser ". . . to the Judge of Probate of the County in which the vehicle is or will be licensed . . ." A copy of Act 80-477 is set out in Appendix "A".

One of the first problems that presents itself is the fact that the Title of the Act fails to mention distribution of the proceeds of the tax, whereas, in the body of the Act there is a distribution provision.

In **Opinion of Justices,** 247 Ala. 195, 23 So. 2d 505, it is said:

> "It is a familiar principle that if the Act is broader than the title, that part which is within both the title and the body of the Act can stand, while that part not indicated by the title will fall."

This is cited with approval in **State v. Ballard,** 341 So. 2d 957 (1976). It would appear, therefore that the distribution provisions of Act 80-477 must fall. Constitution of Alabama 1901, §45.

There are other problems with this Act.

In the case of **Weissinger v. Boswell,** 330 F. Supp. §15 (1971) (at page 624), a three judge court made observations pertinent to our examination of this Act as follows:

> "Taxes, or, more specifically, the monies used to pay taxes, are a type of 'property' of which a citizen cannot

> be deprived without due process of law. Due process requires of a statute a reasonable degree of certainty and definiteness — a requirement that applies with special force to a taxing statute. When it leaves the legislature, a statute must be complete in all its terms, and it must be definite and certain enough to enable every person, by reading the law, to know what his rights and obligations are and how the law will operate when put into execution. In addition, a statute which fails to provide clearly ascertainable and well-defined standards to guide the ministerial officers charged by law with its implementation and administration creates an unwarranted and void delegation of legislative power." (Footnotes omitted)

State v. Ballard, supra. See also **Opinion by the Justices, 249 Ala.** 88, 30 So. 2d 14, to the effect that reasonable precision is required in statutes.

There are serious problems in the Act regarding implementation and administration. While probate judges in most counties are charged with issuing automobile license tags, there are instances in which they do not. Some of the items affected by Act 80-477 are not licensed by the probate judge. See Appendix "B" for more discussion of the licensing situation.

The Act says the tax is to be paid in "the County in which the vehicle is or will be licensed." But a purchaser will be hard pressed to know what local tax he is due to pay particularly in view of the fact, as discussed above, that not all items subject to the tax are licensed at all. See Appendix "C" for more discussion of the local tax problem and other problems respecting administration of the Act.

The Department of Revenue has made a commendable attempt to solve some of the problems herein discussed. To do so it has had to ignore specific provisions of the Act, as, for instance, its direction to "The seller . . . to continue collecting the tax on boats, boat motors, boat trailers . . . house trailers . . ." which is clearly contrary to the specific provisions of the Act. Furthermore, the Department has read into the Act the general provisions of the sales tax law relative to sellers, to make probate judges taxpayers required to file returns. This is clearly unworkable.

In view of the cases cited above, and the maze of problems discussed herein, it is clear that Act 80-477 does not enable a purchaser to know what his rights and obligations are, nor how the law will operate when put into execution. This Act is vague, indefinite, and fails to provide ascertainable and well-defined standards to guide the ministerial officers charged with its implementation. **Weissinger v. Boswell,** supra.

While we are not unmindful of the policy of this office regarding the constitutionality of statutes, it is the opinion of this office that in this particular instance, that policy must be subject to an exception in the interest of fairness to the taxpayers of the state and of good administration of the revenue laws. Accordingly, it is the opinion of this office that Act 80-477 is, and would be declared by the courts of this state, to be, unconstitutional. This answers your first question and moots your second and third questions.

Yours very truly,

CHARLES A. GRADDICK
Attorney General

August 26, 1980

Dr. William C. Walsh
Secretary-Treasurer
Teachers' Retirement System of Alabama
135 South Union Street
Montgomery, Alabama 36130

Finance Department—Funds—Officers and Offices

State Comptroller may not expend State funds for purpose not authorized by law. However, State Board of Adjustment may authorize payment if moral claims against the State.

Opinion by Assistant Attorney General Hamlett.

Dear Dr. Walsh:

The Attorney General has received and considered your request for an opinion concerning the legality of paying under a theory of quantum meruit for plaques purchased as momentos for retiring members of the Board of Control of the Teachers' Retirement System. You state in your request that the Board of Control has traditionally presented such plaques, engraved with a resolution of appreciation for their service, to persons leaving the Board. Such plaques were purchased this year and are to be presented to Board members who have completed their terms of service. This purchase was approved by the Purchasing Division of the State Finance Department. However, the State Comptroller now refuses to issue a warrant to pay for these plaques.

In support of his refusal to issue a warrant, the Comptroller relies upon an opinion issued to him by this office on November 2, 1979. That opinion holds that the Comptroller may not disburse state funds to pay for retirement gifts or benefits not authorized by law.

This office hereby reaffirms its opinion of November 2, 1979. That opinion is based primarily on the provisions of Section 68 of the Constitution of Alabama of 1901. Through that section, the State legislature is prohibited from granting any extra compensation, fee or allowance to a public officer or employee after service has been rendered. We would now add as further authority for the holding in that opinion the case of **Goode v. Tyler,** 237 Ala. 106, 186 So. 129 (1929) in which the Supreme Court of Alabama held that the authority to expend public funds for any specific purpose is required to be authorized by statute, either directly or by necessary implication. We know of no statute authorizing the expenditure of public funds in the manner which you suggest.

Having reviewed the facts as you have presented them to us, we do however find that the vendor of the plaques may have a valid claim which may be filed with the Alabama Board of Adjustment, pursuant to Section 41-9-62(5), **Code of Alabama 1975.** Through that section, the Board of Adjustment is given the authority to hear claims arising out of any contract to which the State of Alabama or any of its agencies is a party and where there is claimed a moral obligation resting on the state. It may well be that in this instance there is a moral obligation resting upon the state to reimburse the vendor of the plaques. Thus the proper procedure for the vendor, under these facts, to recover the State's agreed contract price would be through filing a claim with the Alabama Board of Adjustment.

We must regretfully add however that apparently in this instance the theory of traditional quantum meruit does not apply since quantum meruit will not lie to compel funds to be expended for an illegal purpose. Since there is no statute which would allow funds to be expended for the purpose you describe, such an expenditure would not be for a legal purpose.

I trust that we have answered your questions sufficiently. If we can be of further assistance, please do not hesitate to call upon us.

Sincerely,

CHARLES A. GRADDICK
Attorney General

September 2, 1980

Honorable Annie Laurie Gunter
State Treasurer
The Capitol
Montgomery, AL 36130

State Treasurer—Counties—Warrants—Gasoline Tax

State Treasurer may remit county share of Gasoline Tax

proceeds to bank acting as trustee or paying agent for warrants issued by county.

Opinion by Assistant Attorney General Solomon

Dear Mrs. Gunter:

You have written for an opinion asking if you are permitted to remit directly to the bank designated as trustee for payment of principal and interest on the Gasoline Tax levied by Act 80-427, Acts of Legislature 1979, and if the answer is in the affirmative would the State Treasurer assume responsibility for insuring that all tax proceeds are being expended in accordance with Act 80-427.

I have carefully researched and reviewed the state laws relating to the power, duties, and responsibilities of the State Treasurer. The law is silent on the specific question raised by you in your request for an opinion. It is therefore the opinion of this office that there is no legal restriction to prohibit you from assisting the county in the manner requested. Prior to complying with the county's request that you remit all or any part of the county's shares of the gasoline tax proceeds to a paying agent bank you should be furnished with written authorization for such action by you from the requesting county. The order of directions to you requesting your assistance should be specific and set out in detail sufficient information for you to fully comply with their request.

If you do as requested by the county you will not be under any duty or responsibility to insure or guarantee that the proceeds of the tax or the receipts from the issuance of warrants are expended according to law. This duty and burden rests exclusively with the County Commission. The County Commission is charged with the responsibility of utilizing available funds in a manner consistent with state law. The State Treasurer has no duty or responsibility in this regard.

I trust this satisfactorily answers your questions.

Sincerely yours,

CHARLES A. GRADDICK
Attorney General

September 10, 1980

Honorable Thomas Reed
Member, House of Representatives
Drawer EE
Tuskegee Institute, AL 36088

Macon County—Boards of Education—Public Meetings

1. Absent statutory authority or compelling public policy to the contrary, meetings of committees of public bodies must be open to the public.

2. Role of committees of county board of education are advisory only, and such committees may not set school policy or bind board.

Opinion by Assistant Attorney General Forehand.

Dear Representative Reed:

I have received your request for an Attorney General's opinion in which you pose the following questions relating to county boards of education:

1. (a) Do any and all members have the right to meet with any committee formed by the Board?

   (b) If members have this right, are they entitled to be informed of meeting times and places?

2. What is the authority that allows a board of education to split into ad hoc committees to consider matters of education?

3. If ad hoc committees are proper what functions can they perform and what powers do they have?

4. May ad hoc committees take binding votes on matters before them?

5. If they may take binding votes, must their meetings be announced prior to these meetings and the public be allowed to be present and observe the proceedings?

This office has previously held that absent any statutory authority or compelling public policy to the contrary, meetings of committees of public bodies must be open to all members of the public. Opinion to Honorable T. D. Little, State Senator, Auburn, Alabama, under date of August 31, 1977. Because the committee is an extension of the board itself, board members should be given notice of the time, place, and purpose of committee meetings.

County boards of education may under their general supervisory and administrative powers found in **Code of Alabama 1975,** § 16-8-1, et seq., appoint permanent or ad hoc committees to investigate or oversee particular areas within the board's jurisdiction. The committees' role should, however, be advisory only. The board itself is charged with setting school policy and this duty may not be delegated to a committee of the board. A committee may make recommendations to the board but a committee should not set policy and a committee vote must in no way bind the board.

I hope this answers your questions. If I can be of further assistance, please call on me.

Sincerely,

CHARLES A. GRADDICK
Attorney General

September 12, 1980

Honorable James E. Buskey
Member, Alabama House of Representatives
2207 Barretts Lane
Mobile, Alabama 36617

Mobile County—Boards of Education—Public Meetings

Mobile County Board of School Commissioners' practice of conducting board business by "polling" or taking votes on matters by mail between meeting violates Sunshine Law.

Opinion by Assistant Attorney General Forehand.

Dear Representative Buskey:

I have received your request for an Attorney General's opinion in which you relate the following:

> "The Mobile Board [of School Commissioners] has enacted a policy which allows polling questions of an 'emergency' nature between meetings. A Board Member may submit a motion through the Superintendent which is then written out, sent to the members, who, then, by their signature, vote aye or nay on the question. The President of the Board, after reviewing the vote, declares the motion passed or defeated. A public meeting is not held during this process. The Superintendent then takes action if the motion carries. This has included the expenditure of funds.
>
> The policy of the Board then requires that the motion and results of the poll be placed on the 'Information Agenda' at the next regular meeting. The policy goes on to state that by virtue of having been placed on this non-action portion of the agenda, the poll becomes adopted through the minutes of the meeting. Lately, the Commissioners have formally moved 'for adoption of the poll' and voted in public session on the question. The questions I pose are as follow:
>
> 1) Can the Mobile County School Board, a public body,

conduct business by polling such as I have described even when termed an 'emergency?' If so, how could 'emergency' be defined?

2) Can the Superintendent legally take action based on the results of the poll prior to formal public action of the Board? Can he, for example, authorize the expenditure of public funds prior to the public vote of the board?

3) Can an item which is placed on the agenda be adopted in the minutes of the meeting without a motion and a formal vote?

4) Does the polling process in any way violate the open meeting concept and disregard the public's right to know about the action of this governmental agency?"

Code of Alabama 1975, §13A-14-2, commonly referred to as the "Sunshine Law" provides that "[n]o executive or secret session shall be held by any of the . . . school commissions of Alabama . . ." This office has offered interpretations of this provision of law on many occasions. In Quarterly Report of Attorney General, v. 164, p. 11, The Attorney General said:

> "Although, there has been no judicial interpretation of this provision of law, the language of this provision seems reasonably clear and the purpose of the law seems equally clear. This provision of law is a legislative recognition of the principle that, in a democracy such as ours, government exists only to serve the public and government business is public business. Although governmental officials and employees may formulate and enact public policies and laws, ultimate governmental authority rests in the people themselves and, thus, the people have a right to be informed of the actions and operations of their government. To that end our law provides that governmental meetings be open to the public."

The public interest and the public's right to be informed of the actions of its government and to be present at meetings of governmental bodies extends over the entire governmental process from the discussion and formulation of public policy through its adoption and implementation. That public right must not be abridged or denied by use of "polling" on questions of an "emergency nature" such as you outlined.

The Alabama Supreme Court in **City Council of Prichard v. Cooper,** 358 So. 2d 440 (Ala, 1977), considered a situation substantially similar to the one in question here. In that case the trial court enjoined the Prichard City Council from conducting the business of the city be-

tween meetings by letters signed by a majority of the council. The Supreme Court affirmed the trial court's finding.

> "That the procedure of signing letters or other documents by three or more City Councilmen and then making the group of documents all 'a matter of record' subsequently by action at a formal Council meeting denies the public substantial rights and effectively circumvents the will of the legislature."

It is therefore my opinion that your first three questions are answered in the negative and your last question is answered in the affirmative.

I hope this fully answers your question. If I or this office can be of further assistance, please call on us.

Sincerely,

CHARLES A. GRADDICK
Attorney General

September 12, 1980

Commissioner W. H. Kerns
Medical Services Administration
2500 Fairlane Drive
Montgomery, Alabama 36130

Medical Services Administration—State Employees—Insurance—Liability

Reimbursement on motor vehicle liability insurance under Act 80-754 for state employees for policy coverage periods beginning before May 28, 1980 but extending beyond that period is to be made on a pro rata basis.

Opinion by Assistant Attorney General Knight.

Dear Commissioner Kerns:

Reference is made to your request for an opinion from the Attorney General as to the following matter:

> "Alabama Act 80-754 which became law on May 28, 1980, when signed by Governor Fob James at 4:00 p.m. provides that the State of Alabama shall provide for the personal protection of state employees against civil liability arising out of motor vehicle operation in connection with their employment. My question concerns the period of time for which a state employee may be reimbursed the premiums which he has paid or will pay

for a rider to the policy by which he is otherwise insured.

* * * * *

"Therefore, my specific question is concerned with riders which were purchased prior to May 28, 1980, for a period to continue past that date.

* * * * *

"Must this employee be totally denied any reimbursement because he purchased his coverage prior to enactment?

"Or, may he, more equitably, be paid on a pro-rata basis? . . .

"Or may he, most equitably, be paid in full for the current policy period?"

Act No. 80-754 with which we are concerned gives no indication of the period of time for which reimbursement of premiums on liability insurance can be made to state employees. Of course, there can be no reimbursement for premium coverage periods before the effective date of the Act. However, upon consultation with the State Comptroller, the Attorney General has reached the conclusion that reimbursement for liability premiums purchased before the effective date of Act 80-754, May 28, 1980, but extending beyond that date is to be made on a pro rata basis for the time subsequent to May 28, 1980 to the end of the policy coverage period. The pro rata basis is to be formulated by comparing the total number of coverage days in the policy with the number of days remaining in the policy subsequent to May 28, 1980.

I hope that I have sufficiently answered your question.

If our office can be of further assistance, please do not hesitate to call on us.

Yours very truly,

CHARLES A. GRADDICK
Attorney General

September 16, 1980

Honorable Earl Mitchell
State Representative
District No. 89
P. O. Box 426
Northport, Alabama 35476

Condominiums—Public Streets

Drives and access ways within a condominium area need not be dedicated as public streets.

Opinion by Assistant Attorney General Ussery.

Dear Mr. Mitchell:

You have requested an opinion of this office as to the necessity of dedicating all of the drives and access ways within a condominium area as public streets. This office, on two previous occasions (May 11, 1973 and May 1, 1978), has ruled that all streets or ways within a condominium area should be declared as public streets. These opinions were based upon the requirements of **Code of Alabama 1975,** Section 11-52-35 which refers to the subdivision jurisdiction of a municipality and prohibits erection of a building on any lot within such territory unless the street giving access to the lot upon which such building is proposed to be placed shall have been accepted as a public street. The May 11, 1973 opinion (Volume 150, page 12, Quarterly Reports) further stated:

> "To hold otherwise would not only violate [**Code,** Section 11-52-35], but would allow the future vacation of private streets or ways without the consent of the municipality and would place a cloud upon municipal powers regarding police and fire protection, garbage service, and other municipal functions requiring the use of public streets."

It is the opinion of this writer that the previous opinions failed to grasp the unique nature of the condominium form of real estate ownership. **Code,** Sections 35-8-1 through 22 known as the "Condominium Ownership Act" authorizes such a form of ownership and in Section 35-8-22 states:

> "Notwithstanding a finding that this chapter is in derogation of the common law, it should be liberally construed to effectuate its purpose of encouraging development and construction of condominium property under the provisions of this act."

It is the opinion of this writer, that a distinction should and can be made, or an alternative interpretation be reached, allowing condominium areas which include private drives and access ways as a part of the "common elements" of the property, provided that such private drive gives access to a public street.

The interpretation or distinction depends upon definitions of "condominium" and "common elements" and a few examples. Section 35-8-2 provides the definitions:

> "(2) COMMON ELEMENTS. A part or parts of the condominium property as set forth in the declaration

in which all of the unit owners have an undivided interest.

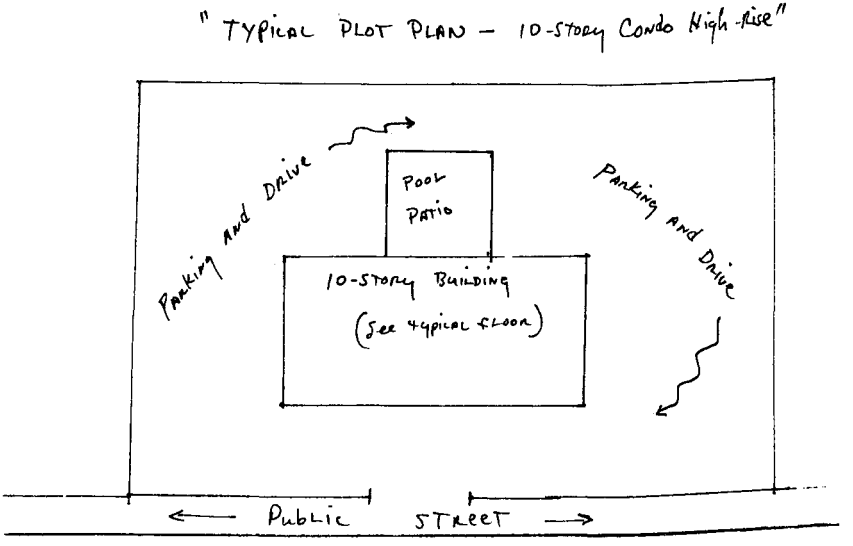
* * * * *

"(5) CONDOMINIUM. The form of ownership of real or personal property or a combination thereof under a declaration providing for ownership of units of the property by one or more owners. Such units may consist of private elements together with an undivided interest in common and limited common elements."

An example of a condominium form of ownership which points up the obvious distinction from the subdivision regulation found in 11-52-35, would be a ten-story highrise condominium property. I have attempted a sketch of a typical plot plan for such a development (see Exhibit I). Under the condominium concept, a property owner would receive a deed granting him exclusive ownership of a unit along with an undivided interest in the common elements, which would include in this instance the hallway, service area, elevator, pool and patio and parking and drive. It is obvious that a property owner owning a unit on the tenth floor does not have access from his unit to a public street; however, such unit owner would have the ability to leave his unit and obtain access to a public street while traveling through areas in which no one has a superior right than his own: i.e., the common hallway, the common elevator, the common parking area, and the common drive space. To require the drive space to be dedicated to the public use gives him no greater right of access to a public street than he would have if the drive area remained a private street.

This example can be extended to a similar distinction where the condominium property includes units only on one level (see Exhibit II). In such example, some unit owners will not have direct access from their unit to the common drive; however, through their undivided ownership of the common elements access from their unit to the public street is granted.

Therefore, the provisions of Section 11-52-35 can be interpreted (or distinguished) to allow private streets within a condominium property, provided that each unit sold within the condominium has access to common elements which continue unhindered to an access on a public street or highway. The land developer could have very justifiable reasons to support his desire for private streets rather than public streets within the condominium property — examples: security, exclusiveness, inability to conform with municipal standards and specifications for public streets (the latter is particularly important in condominium conversions).


"TYPICAL PLOT PLAN – 10-STORY CONDO HIGH-RISE"
PARKING AND DRIVE
POOL
PATIO
PARKING AND DRIVE
10-STORY BUILDING
(See typical floor)
PUBLIC STREET

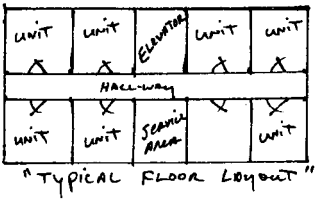
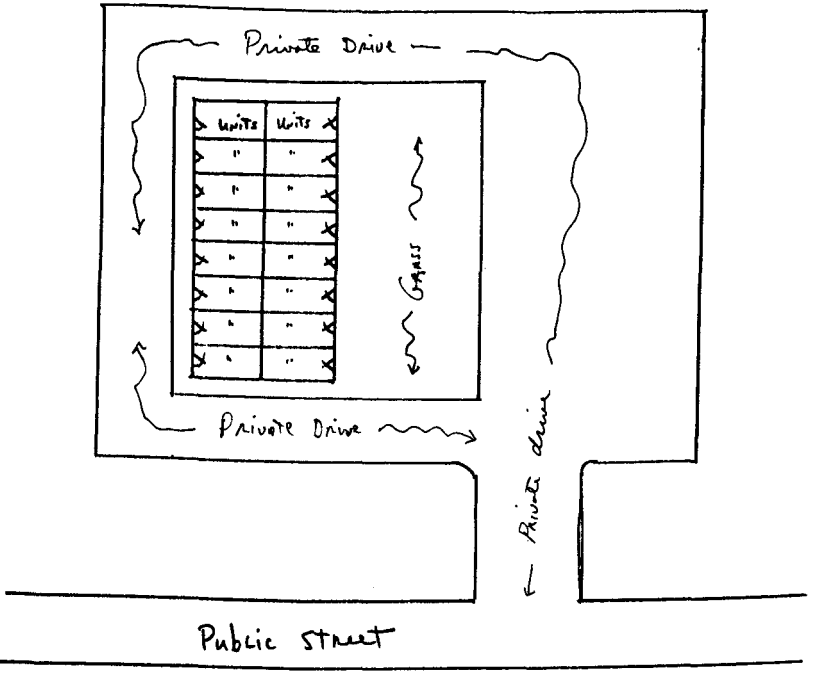

UNIT
UNIT
ELEVATOR
UNIT
UNIT
HALL-WAY
UNIT
UNIT
SERVICE AREA
UNIT
"TYPICAL FLOOR LAYOUT"

Exhibit I



Typical single-level condominium layout

Exhibit II

However, the developer could determine that the advantage of public maintenance of the streets outweighs the desire for private streets. Then, a corollary to the question pertains: "Can the Planning Commission accept condominium plans which include the dedication of **public** streets?" The answer would, of course, be in the affirmative, subject to the normal conditions, standards and specifications required by the municipality for dedication of public streets in general.

In applying the interpretation allowing private streets, the planning commission must assure itself that the condominium association ["The entity responsible for the administration and management of the condominium property" — **Code,** §35-8-2(1)] will assume responsibility for the maintenance of the private streets so retained. The municipality may wish to consider an ordinance making provision for the local government, at its option, to take steps to move in and perform appropriate maintenance when the condominium association fails to do so and to assess the individual unit owners the cost for this additional service.

Also, the municipality may wish to adopt an ordinance permitting the normal public service functions on the privately-owned but publicly accessible common areas. Such ordinance should specifically hold harmless the police or other personnel from any civil or criminal action arising through a charge of trespassing in the performance of these duties. An alternative to the ordinance would be a requirement by the planning commission, prior to acceptance of the condominium plat, of a prior approval by the condominium association to the municipal or county enforcement officers to come upon the private property to enforce the county or city ordinances, such as typically required of any private landowner.

Certainly, the previous opinions of this office using the restrictive subdivision requirements pertaining to public streets should not defeat the clear mandate of the Legislature allowing the flexibility and advantage of the condominium form of ownership. The condominium is not linked to land, as is the case with traditional residential developments. Instead, the owners' "parcel" is defined as a point in space and he owns an undivided interest in the land with all other owners in the development. With the increasing scarcity of developable land in urban centers, the ever-rising construction cost associated with residential development, and the desires of our citizens to be homeowners rather than tenants, the initiation of the condominium form of ownership has opened vast new opportunities. There are many problem areas not addressed in this opinion; however, it is the hope of the writer that this opinion will leave the decision of public versus private streets within the condominium property to the option of the land developer.

Sincerely,

CHARLES A. GRADDICK
Attorney General

INFORMAL OPINIONS

During the period July 1, 1980 through September 30, 1980, the Attorney General rendered the following informal opinions:

Subject	Addressee	Date	File
	— A —		
AD VALOREM TAXES			
Payment of delinquent taxes on property acquired by the state	Bobby Rowan	7/ 2/80	80-00437
Noncommercial aircraft subject to Ad Valorem Tax	Leigh Pegues	8/11/80	80-00504
Vacant lot in subdivision—current use valuation	B. P. Lovelace, Jr.	9/ 2/80	80-00535
Ad Valorem Taxes based on fair and reasonable market value—not book value	James E. Witherington	9/ 2/80	80-00536
Ad Valorem Taxes—Homestead—Agricultural property	Charles E. Howard	9/23/80	80-00588
ADMINISTRATIVE OFFICE OF COURTS			
County Law Libraries—Fees	Allen L. Tapley	7/ 3/80	80-00451
ADVERTISING			
Tax Assessor—Cost of Advertising—Reappraisal	Alleen L. Cargile	7/28/80	80-00475
AGRICULTURE AND INDUSTRIES, BOARD OF			
Agriculture and Industries Board—Conflict of interest	J. E. Turner	9/12/80	80-00570

AIRPORTS AND AIRCRAFT			
Noncommercial aircraft subject to Ad Valorem Tax	Leigh Pegues	8/11/80	80-00504
ALABAMA A & M UNIVERSITY			
Alabama A & M University—Insurance program	Leander R. Patton	8/ 6/80	80-00493
ALABAMA DEVELOPMENT OFFICE			
Industrial Development Authority—Fair Market Value	Reuben Finney	9/12/80	80-00566
ALCOHOLIC BEVERAGE CONTROL BOARD			
A.B.C. Board may have until August 1,1980 to implement provisions of Act No. 80-478	Joe B. Broadwater	8/ 6/80	80-00499
Wine Tax in Calhoun County discussed	James M. Campbell	8/26/80	80-00523
ALCOHOLIC BEVERAGES			
Russell County—Taxation—Alcoholic Beverages—Act 80-487	Charles W. Whatley	8/19/80	80-00516
Russell County—Taxation—Alcoholic Beverages—Act 80-487	J. Pelham Ferrell	8/19/80	80-00517
Wine Tax in Calhoun County discussed	James M. Campbell	8/26/80	80-00523
AMENDMENTS			
Constitutional Amendments—Elections	Don Harrison	8/26/80	80-00520
APPEALS			
Municipalities furnish prosecutorial services in appeals from municipal to circuit court	J. H. Millwood	7/ 3/80	80-00443

Subject	Addressee	Date	File
Appeal from district court for trial de novo in circuit court should not be dismissed but proceed to judgment	R. Forrest Dobbins	9/12/80	80-00553
APPROPRIATIONS			
Special Education Trust Fund—Appropriations—Proration	Joseph C. McCorquodale, Jr.	8/ 7/80	80-00500
Youth Services Department—Appropriation—Proration	George M. Phyfer	8/19/80	80-00513
Salaries are payable from appropriation in effect on date salaries are to be paid	G. C. Dean, Jr.	8/29/80	80-00528
Finance Dept.—Governor—Appropriations—Junior Colleges	Sid McDonald	9/ 4/80	80-00542
ARREST			
Sheriff—Confer authority to arrest—Reserve deputy sheriff	Joe W. Patterson	9/ 2/80	80-00530
Public intoxication—Arrest	J. C. Carr	9/12/80	80-00549
ASSESSMENTS			
Tax Assessor—Adjustments—Property escaped taxation	Charles E. Howard	8/11/80	80-00505
Ad Valorem Taxes based on fair and reasonable market value—not book value	James E. Witherington	9/ 2/80	80-00536
ATTORNEYS			
Public Service Comm.—Non-attorney practitioners	W. J. Samford, Jr.	9/12/80	80-00555
Attorneys—District Attorneys—Conflicts of interest	Marc Sandlin	9/12/80	80-00565

AUBURN UNIVERSITY			
Auburn University is State agency and qualified to receive Federal grants	James F. Quinn	8/ 6/80	80-00487
AUTOMOBILE TITLE LAW			
Criminal Code—Motor vehicles—Automobile title law	David Barber	7/ 3/80	80-00445
— B —			
BAILIFFS			
Bailiffs—Salary Increases—Act No. 78-578	George R. Reynolds	8/14/80	80-00508
BALDWIN COUNTY			
Boards of Education—Bid opening, tabulation and award discussed	A. R. McVay	8/ 6/80	80-00495
BALLOTS			
Elections—Ballots—Placement of candidates' names	Walker Hobbie, Jr.	8/25/80	80-00519
Ballots—Candidates—Corrupt Practice Act	Myrtle Green	8/29/80	80-00527
Elections—Absentee ballots	James E. Floyd	9/12/80	80-00551
Elections—Absentee ballots—Federal postcard application	Cedric A. Woodruff	9/12/80	80-00557
BANKS AND BANKING			
Worthless checks—Prosecution	Ronald L. Myers	9/12/80	80-00559
BARBER EXAMINERS, BOARD OF			
Board of Barber Examiners—Meetings—Licenses	Leigh Nichols	8/ 6/80	80-00497

Subject	Addressee	Date	File
BEAR CREEK DEVELOPMENT AUTHORITY			
Bear Creek Development Authority—Law enforcement officers	Joe Gilliland	8/29/80	80-00526
BENEFITS			
University of North Alabama—Employees—Fringe benefits	Robert L. Potts	8/ 6/80	80-00490
BIRMINGHAM, CITY OF			
Acquisition and expenditure of Federal grant funds by a municipality discussed	Richard Arrington, Jr.	7/21/80	80-00469
Birmingham Police Dept. firearms discharge policy discussed	Robert C. Gafford	9/ 4/80	80-00543
BLOUNT COUNTY			
Blount County—Deputy Registrars—Duties	Frank J. Green	9/ 4/80	80-00541
BONUS			
Law Enforcement Officer—Bonus—District Attorney's fund	Robert E. Morrow	8/ 6/80	80-00488
BROOKSIDE, TOWN OF			
Town of Brookside—Use of municipal funds	James P. Schaffer	9/15/80	80-00575
BRUNDIDGE, CITY OF			
Publication of zoning ordinance discussed	John H. Senn	9/ 2/80	80-00533
BUSINESS REGULATIONS			
Pest control—Regulation—Apartment buildings	Edward Robertson	7/ 3/80	80-00444

CALHOUN COUNTY			
Wine Tax in Calhoun County discussed	James M. Campbell	8/26/80	80-00523
CANDIDATES			
Elections—Ballots—Placement of candidates' names	Walker Hobbie, Jr.	8/25/80	80-00519
Ballots—Candidates—Corrupt Practices Act	Myrtle Green	8/29/80	80-00527
County employee—Candidate—County commission—Dual officeholding	William M. Branch	9/12/80	80-00561
CAPITOL HOSTESSES			
Capitol hostesses designated "Welcome Center Workers" remain classified as Capitol hostesses	Caroline S. Cavanaugh	7/10/80	80-00460
CEMETERIES			
Municipalities—Private cemeteries	Henry Pass	8/ 6/80	80-00491
CERTIFICATE OF NEED			
Health care facility in existence prior to effective date of CON Law entitled to CON under Grandfather Clauses	Hinton Mitchem	7/21/80	80-00467
CHECKS			
Worthless checks—Prosecution	Ronald L. Myers	9/12/80	80-00559
CHILTON COUNTY			
County Commission may cut Sheriff's Department expenditures	John H. Jackson, Jr.	7/ 3/80	80-00438

Subject	Addressee	Date	File
CIRCUIT CLERKS			
Cullman County—Officers—Expense allowances	Randall Shedd	8/18/80	80-00510
CIVIL COMMOTION			
Insurance—Definition of "Riot or Civil Commotion"	Tharpe Forrester	9/ 2/80	80-00529
CIVIL DEFENSE DEPARTMENT			
Civil Defense Department—Private property—Emergencies	Sam Slone, III	7/ 3/80	80-00439
CIVIL SERVICE SYSTEM			
Under Mobile County Civil Service Act, sister of member of appointing authority may not be hired	M. G. Temme	7/21/80	80-00468
COLLEGES AND UNIVERSITIES			
Auburn University is State Agency and qualified to receive Federal Grants	James F. Quinn	8/ 6/80	80-00487
University of North Alabama—Employees—Fringe benefits	Robert L. Potts	8/ 6/80	80-00490
Alabama A & M University—Insurance program	Leander R. Patton	8/ 6/80	80-00493
Finance Dept.—Governor—Appropriations—Junior colleges	Sid McDonald	9/ 4/80	80-00542
University of Alabama—Board of Trustees—Confirmation	Arthur Payne	9/10/80	80-00545
University of Montevallo—Employees—Teachers' Retirement System	James F. Vickrey, Jr.	9/12/80	80-00573

COMMITMENT			
Mental Health—Commitment—Public facility	Rufus C. Huffman	9/22/80	80-00581
COMMUNITY DEVELOPMENT			
Municipalities—Funds—Section 601 Grant Program	T. Walter Oliver, Jr.	9/23/80	80-00584
COMPENSATION			
University of North Alabama—Employees—Fringe benefits	Robert L. Potts	8/ 6/80	80-00490
Judges—Compensation— Judicial Compensation Commission	T. L. Borom	9/ 2/80	80-00538
Superintendent of Education—Salary—Expense Allowance	Dan C. Henderson	9/12/80	80-00554
Court Reporters—30th Judicial Circuit—Compensation	Carl D. Nesmith	9/17/80	80-00580
COMPETITIVE BID LAW			
A city may pay vendor even though vendor fails to deliver merchandise on date specified in bid request	Bill Ed Coefield	7/28/80	80-00483
Boards of Education—Bid opening, tabulation and award discussed	A. R. McVay	8/ 6/80	80-00495
Boards of Education—Conflict of interest—Competitive Bid Law	Clifford S. Smith	8/28/80	80-00525
CONFLICTS OF INTEREST			
Principal in City School System may serve on City Council—Voting restrictions discussed	Julian Bland	7/ 3/80	80-00450

Subject	Addressee	Date	File
Under Mobile County Civil Service Act, sister of member of appointing authority may not be hired	M. G. Temme	7/21/80	80-00468
Board of Education—Conflict of interest—Competitive Bid Law	Clifford S. Smith	8/28/80	80-00525
County employee—Candidate—County Commission—Dual officeholding	William M. Branch	9/12/80	80-00561
Attorneys—District Attorneys—Conflicts of interest	Marc Sandlin	9/12/80	80-00565
Agriculture and Industries Board—Conflict of interest	J. E. Turner	9/12/80	80-00570
Distribution clerk with U.S. Postal Service—Not "Office of Profit"	Thomas E. Manning	9/15/80	80-00576
CONSERVATION DEPARTMENT			
Conservation Department—Contract—National Marine Fisheries Service	John M. McMillan, Jr.	9/19/80	80-00579
Commercial fishing—Game fish	John W. Starnes	9/22/80	80-00582
CONSTABLES			
Constables—Term of office	J. M. Williams	8/11/80	80-00502
CONSTITUTIONAL AMENDMENTS			
Constitutional Amendments—Elections	Don Harrison	8/26/80	80-00520
CONTRACTS			
A city may pay vendor even though vendor fails to deliver merchandise on date specified in bid request	Bill Ed Coefield	7/28/80	80-00483
Highway Department—Contracts—Railroads	Bobby J. Kemp	8/ 6/80	80-00489

Boards of Education--Conflicts of interest—Competitive Bid Law	Clifford S. Smith	8/28/80	80-00525
Conservation Department—Contract—National Marine Fisheries Service	John M. McMillan, Jr.	9/19/80	80-00579
CONTRIBUTIONS			
Expenditure of funds—Governor's Mansion Advisory Board	Milo B. Howard, Jr.	9/12/80	80-00552
COOSA COUNTY			
Board of Registrars—Purge voter list	Jasper Fielding	9/12/80	80-00556
CORRECTIONS, DEPARTMENT OF			
Dept. of Corrections may not charge inmates cost of incarceration from Federal benefits	R. G. Britton	7/ 3/80	80-00454
Northwest Mental Health Center—Sovereign immunity	R. G. Britton	8/ 6/80	80-00492
Prisoners—Medical Records—Mental health—Corrections	R. G. Britton	9/10/80	80-00548
CORRUPT PRACTICES ACT			
Ballots—Candidates—Corrupt Practices Act	Myrtle Green	8/29/80	80-00527
COSMETOLOGY, BOARD OF			
Board of Cosmetology—Licenses	Walter Owens	8/11/80	80-00501
COUNTIES			
County Commission may cut Sheriff's Department expenditures	John H. Jackson, Jr.	7/ 3/80	80-00438
Discussion of types of work county is permitted to perform	James H. McClendon	7/ 3/80	80-00448

Subject	Addressee	Date	File
Russell County Commission may pay mileage reimbursement to Tax Collector	Bill Brown	7/10/80	80-00457
Discussion of eligibility to retirement benefits by county officials	William C. Walsh	7/10/80	80-00462
Chilton County—Hospitals—Special County tax	John H. Jackson, Jr.	7/21/80	80-00471
Court Reporters—Maternity leave	Jack Floyd	7/28/80	80-00480
St. Clair County Probate Judge to charge fees charged by other probate judges of State. Modifies Jun. 12, 1980, opinion to John Teague	Wallace Wyatt	7/29/80	80-00486
Counties—Medical Clinic Boards—Municipalities—County Hospital Board	F. Basil Clark	8/ 6/80	80-00498
Expenditure of county funds for the abatement of unauthorized solid waste dumps discussed	James Record	8/11/80	80-00503
Discussion of types of work permitted in newly incorporated municipality	William O. Walton, Jr.	8/11/80	80-00507
Cullman County—Officers—Expense allowances	Randall Shedd	8/18/80	80-00510
County Hospital Association may not build office for doctors' private practice	Woodfin O. Griffin	8/26/80	80-00521
Franklin County—Employees—Salaries	Robert E. Cooper	9/ 2/80	80-00532
Mental Health—Commitment—Expenses of detaining	Tom Burleson	9/12/80	80-00568
Geneva County—Public Roads—Repair bridges	W. Phil Eldridge	9/23/80	80-00589

COUNTY COMMISSIONS			
County employee—Candidate—County Commission—Dual officeholding	William M. Branch	9/12/80	80-00561
COUNTY HOSPITAL ASSOCIATIONS			
County Hospital Association may not build office for Doctors' private practice	Woodfin O. Griffin	8/26/80	80-00521
COUNTY HOSPITAL BOARDS			
Chilton County—Hospitals—Special county tax	John H. Jackson, Jr.	7/21/80	80-00471
Counties—Medical Clinic Boards—Municipalities—County Hospital Board	F. Basil Clark	8/ 6/80	80-00498
COURT REPORTERS			
Court reporters—Maternity leave	Jack Floyd	7/28/80	80-00480
Court Reporters—30th Judicial Circuit—Compensation	Carl D. Nesmith	9/17/80	80-00580
COURTS			
District Judge—Lawrence County—Expense allowance	James E. Farrior	7/ 3/80	80-00440
Municipalities furnish prosecutorial services in appeals from Municipal to Circuit Court	J. H. Millwood	7/ 3/80	80-00443
Court Reporters—Maternity leave	Jack Floyd	7/28/80	80-00480
Discussion of relationship between District Judges' salaries and Circuit Judges' salaries in Walker County under Judicial Article	Horace H. Nation, III	7/28/80	80-00482
Courts—Juveniles—Incarceration	Earl C. Morgan	9/ 2/80	80-00534
Appeal from District Court for trial de novo in Circuit Court should not be dismissed but proceed to judgment	R. Forrest Dobbins	9/12/80	80-00553

Subject	Addressee	Date	File
Mental Health—Commitment—Expenses of detaining	Tom Burleson	9/12/80	80-00568
Court Reporters—30th Judicial Circuit—Compensation	Carl D. Nesmith	9/17/80	80-00580
Mental Health—Commitment—Public Facility	Rufus C. Huffman	9/22/80	80-00581
CRIMINAL CODE			
Criminal Code—Motor vehicles—Automobile Title Law	David Barber	7/ 3/80	80-00445
Birmingham Police Dept. firearms discharge policy discussed	Robert C. Gafford	9/ 4/80	80-00543
Public intoxication—Arrest	J. C. Carr	9/12/80	80-00549
Worthless checks—Prosecution	Ronald L. Myers	9/12/80	80-00559
CULLMAN COUNTY			
Cullman County—Officers—Expense allowances	Randall Shedd	8/18/80	80-00510
— D —			
DEED TAX			
Probate Judge—Mortgages—Leases—Deed Tax	R. J. Stembridge	8/15/80	80-00509
Filing tax—Deeds—Probate judges	Stanley A. Wade	9/12/80	80-00563
DEEDS			
Probate Judge—Real property—Records—Act 80-422	Bobby Day	9/23/80	80-00585

DeKALB COUNTY			
DeKalb County—Sheriffs—Supernumerary sheriffs	J. Harold Richards	7/10/80	80-00463
DISTRICT ATTORNEY'S FUND			
Law enforcement officer—Bonus—District Attorney's Fund	Robert E. Morrow	8/ 6/80	80-00488
DISTRICT ATTORNEYS			
Municipalities furnish prosecutorial services in appeals from Municipal to Circuit Court	J. H. Millwood	7/ 3/80	80-00443
District attorneys—Employees—Merit system—Retirement system	William H. Atkinson	7/ 8/80	80-00456
Law Enforcement Officer—Bonus—District Attorney's Fund	Robert E. Morrow	8/ 6/80	80-00488
Attorneys—District Attorneys—Conflicts of interest	Marc Sandlin	9/12/80	80-00565
DISTRICT COURTS			
District Judge—Lawrence County—Expense allowance	James E. Farrior	7/ 3/80	80-00440
DISTRICT JUDGES			
District Judge—Lawrence County—Expense allowance	James E. Farrior	7/ 3/80	80-00440
Discussion of relationship between district Judges' salaries and Circuit Judges' salaries in Walker County under Judicial Article	Horace H. Nation, III	7/28/80	80-00482
Judges—Compensation—Judicial Compensation Commission	T. L. Borom	9/ 2/80	80-00538

Subject	Addressee	Date	File
DRIVERS' LICENSES			
Driver's license examination—Fee discussed	Jerry Shoemaker	9/10/80	80-00547
Public Service Comm.—Title 37 offenses—Driver's license	W. J. Samford, Jr.	9/18/80	80-00578
DUAL OFFICEHOLDING			
County employee—Candidate—County Commission—Dual officeholding	William M. Branch	9/12/80	80-00561
— E —			
EDUCATION			
Alabama A & M University—Insurance program	Leander R. Patton	8/ 6/80	80-00493
Special Education Trust Fund—Appropriations—Proration	Joseph C. McCorquodale, Jr.	8/ 7/80	80-00500
Finance Dept.—Governor—Appropriations—Junior Colleges	Sid McDonald	9/ 4/80	80-00542
University of Alabama—Board of Trustees—Confirmation	Arthur Payne	9/10/80	80-00545
Superintendent of Education—Salary—Expense allowance	Dan C. Henderson	9/12/80	80-00554
Town of Brookside—Use of Municipal Funds	James P. Schaffer	9/15/80	80-00575
EDUCATION, BOARDS OF			
Principal in city school system may serve on City Council—Voting Restrictions discussed	Julian Bland	7/ 3/80	80-00450

Boards of Education—Bid opening, tabulation and award discussed	A. R. McVay	8/ 6/80	80-00495
Boards of Education—Disposition of school lands	Donald G. Holmes	8/19/80	80-00511
Jacksonville City Board of Education—Election of members	David E. Lee	8/26/80	80-00522
Boards of Education—Conflicts of interest—Competitive Bid Law	Clifford S. Smith	8/28/80	80-00525
Superintendent of Education—Salary—Expense allowance	Dan C. Henderson	9/12/80	80-00554
EDUCATION, DEPARTMENT OF			
Employees covered by Act 80-699 are in Classified Service of the State	Wayne Teague	7/21/80	80-00470
ELECTIONS			
Elections—Ballots—Placement of Candidates' names	Walker Hobbie, Jr.	8/25/80	80-00519
Constitutional Amendments—Elections	Don Harrison	8/26/80	80-00520
Jacksonville City Board of Education—Election of members	David E. Lee	8/26/80	80-00522
Ballots—Candidates—Corrupt Practices Act	Myrtle Green	8/29/80	80-00527
Boards of Registrars—Voter transferring beats	Pearl Green	9/ 2/80	80-00539
Elections—Absentee ballots	James E. Floyd	9/12/80	80-00551
Board of Registrars—Purge voter list	Jasper Fielding	9/12/80	80-00556
Elections—Absentee Ballots—Federal postcard application	Cedric A. Woodruff	9/12/80	80-00557
Organizational meeting—City Council—Term of office	Fred G. Mott	9/23/80	80-00586

Subject	Addressee	Date	File
EMPLOYEES, EMPLOYERS, EMPLOYMENT			
District Attorneys—Employees—Merit system—Retirement system	William H. Atkinson	7/ 8/80	80-00456
Sheriffs are not state officials within scope of Nepotism Law	Harold Anderson	7/10/80	80-00459
Capitol hostesses designated "Welcome Center Workers" remain classified as Capitol Hostesses	Caroline S. Cavanaugh	7/10/80	80-00460
Under Mobile County Civil Service Act, sister of member of appointing authority may not be hired	M. G. Temme	7/21/80	80-00468
Employees covered by Act 80-699 are in classified service of the State	Wayne Teague	7/21/80	80-00470
University of North Alabama—Employees—Fringe benefits	Robert L. Potts	8/ 6/80	80-00490
Office of State Planning & Federal Programs—Employees —Merit System	Bob A. Davis	8/11/80	80-00506
City of Mount Vernon—Employees—Nepotism	J. E. Turner	8/19/80	80-00512
Franklin County—Employees—Salaries	Robert E. Cooper	9/ 2/80	80-00532
County Employee—Candidate—County Commission—Dual officeholding	William M. Branch	9/12/80	80-00561
EMPLOYEES' RETIREMENT SYSTEM			
District Attorneys—Employees—Merit system—Retirement system	William H. Atkinson	7/ 8/80	80-00456
ENGINEERS			
Professional Engineers' Registration Law discussed	Hinton Mitchem	7/10/80	80-00461

ENGINEERS & LAND SURVEYORS, BOARD OF REGISTRATION

Professional Engineers' Registration Law discussed	Hinton Mitchem	7/10/80	80-00461

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Filing Tax—Deeds—Probate judges	Stanley A. Wade	9/12/80	80-00563
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State Insurance Fund acting through Finance Director with approval of Governor may purchase investment property	Sid McDonald	7/18/80	80-00466
Sheriffs entitled to $1.75 per day per prisoner for food in addition to $1.25 per day per prisoner conditional on Governor's approval	G. C. Dean, Jr.	7/28/80	80-00472
Salaries are payable from appropriation in effect on date salaries are to be paid	G. C. Dean, Jr.	8/29/80	80-00528
Finance Dept.—Governor—Appropriations—Junior colleges	Sid McDonald	9/ 4/80	80-00542
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Municipalities—Foster Homes—Licenses	J. Thomas King	7/ 3/80	80-00453
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Municipalities—Funds—Medical Clinic Boards	Bill S. Bradford	7/ 3/80	80-00452
Washington County—Funds—Indians	John H. Armstrong	7/ 3/80	80-00455
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Town of Brookside—Use of municipal funds	James P. Schaffer	9/15/80	80-00575
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Expenditure of funds—Governor's Mansion Advisory Board	Milo B. Howard, Jr.	9/12/80	80-00552
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County Hospital Association may not build office for doctors' private practice	Woodfin O. Griffin	8/26/80	80-00521
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Washington County—Funds—Indians	John H. Armstrong	7/ 3/80	80-00455
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State Insurance Fund acting through Finance Director with approval of governor may purchase investment property	Sid McDonald	7/18/80	80-00466
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JUDICIAL COMPENSATION COMMISSION			
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JUVENILES			
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Sheriff—Confer authority to arrest—Reserve Deputy Sheriff	Joe W. Patterson	9/ 2/80	80-00530
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Public intoxication—Arrest	J. C. Carr	9/12/80	80-00549
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Conviction—Police officer—Minimum standards	Jerry C. Pow	9/12/80	80-00569
Public Service Comm.—Title 37 offenses—Driver's license	W. J. Samford, Jr.	9/18/80	80-00578
LAWRENCE COUNTY			
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Board of Cosmetology—Licenses	Walter Owens	8/11/80	80-00501
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Staggered system of registration—Motor vehicle licenses	C. D. Covington	9/12/80	80-00560
Board of Examiners in Counseling—Licenses	Donald Schmitz	9/12/80	80-00567
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Macon County—Tax Assessor—Tax Collector	Fred D. Gray	9/12/80	80-00574
MADISON COUNTY			
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City of Mobile may loan federal grant proceeds to Medical Clinic Board	T. Massey Bedsole	9/23/80	80-00587
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Prisoners—Medical Records—Mental Health—Corrections	R. G. Britton	9/10/80	80-00548
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Mental Health—Commitment—Public facility	Rufus C. Huffman	9/22/80	80-00581
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Municipalities—Foster homes—Licenses	J. Thomas King	7/ 3/80	80-00453
Municipalities—Real Property—Industrial Development Boards	Jack Whatley	7/14/80	80-00464
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Jacksonville City Board of Education—Election of members	David E. Lee	8/26/80	80-00522
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Birmingham Police Dept. firearms discharge policy discussed	Robert C. Gafford	9/ 4/80	80-00543
City of Hanceville—Police protection	S. Wayne Fuller	9/12/80	80-00550
Town of Brookside—Use of Municipal Funds	James P. Schaffer	9/15/80	80-00575
Distribution Clerk with U.S. Postal Service—Not "Office of Profit"	Thomas E. Manning	9/15/80	80-00576
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Municipalities—Funds—Section 601 Grant Program	T. Walter Oliver, Jr.	9/23/80	80-00584
Organizational Meeting—City Council—Term of office	Fred G. Mott	9/23/80	80-00586
City of Mobile may loan Federal Grant proceeds to Medical Clinic Board	T. Massey Bedsole	9/23/80	80-00587
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NURSING HOMES			
Health Care Facility in existence prior to effective date of CON Law entitled to CON under Grandfather Clauses	Hinton Mitchem	7/21/80	80-00467
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Board of Nursing—Appointment—Professional Nursing	Betty Tomlin	9/12/80	80-00572
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OFFICE OF PROFIT			
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Sheriff—Confer authority to arrest—Reserve Deputy Sheriff	Joe W. Patterson	9/ 2/80	80-00530
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Conviction—Police officer—Minimum standards	Jerry C. Pow	9/12/80	80-00569
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Sheriffs entitled to $1.75 per day per prisoner for food in addition to $1.25 per day per prisoner conditional on Governor's approval	G. C. Dean, Jr.	7/28/80	80-00472

Authority of Pardons and Paroles Board to pardon or parole an escaped prisoner	David H. Williams	8/19/80	80-00514
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Probate Judge may issue license to practice law to inactive, retired circuit judge	Wallace K. Brown	7/28/80	80-00473
St. Clair County Probate Judge to charge fees charged by other probate judges of State. Modifies June 12, 1980, opinion to John Teague	Wallace Wyatt	7/29/80	80-00486
Probate Judge of Tallapoosa County cannot collect fee provided in act which was not advertised	Ted D. Little	8/ 6/80	80-00496
Probate Judge—Mortgages—Leases—Deed Tax	R. J. Stembridge	8/15/80	80-00509
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Filing Tax—Deeds—Probate Judges	Stanley A. Wade	9/12/80	80-00563
Mental Health—Commitment—Expenses of detaining	Tom Burleson	9/12/80	80-00568
Mental Health—Commitment—Public facility	Rufus C. Huffman	9/22/80	80-00581
Probate Judge—Real property—Records—Act 80-422	Bobby Day	9/23/80	80-00585
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Public Service Comm.—Title 37 offenses—Driver's license	W. J. Samford, Jr.	9/18/80	80-00578
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Capitol Hostesses designated "Welcome Center Workers" remain classified as capitol hostesses	Caroline S. Cavanaugh	7/10/80	80-00460
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REAL ESTATE			
Gift of real property under **Code of Alabama 1975**, Section 9-8-25(a)(5) discussed	G. B. Register	7/23/80	80-00478
Boards of Education—Disposition of school lands	Donald G. Holmes	8/19/80	80-00511
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Municipalities—Real Property—Industrial Development Boards	Jack Whatley	7/14/80	80-00464
Gift of real property under **Code of Alabama 1975**, Section 9-8-25(a)(5) discussed	G. B. Register	7/28/80	80-00478
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Retirement systems—Purchase credit for military service	Jimmy Warren	7/28/80	80-00479

University of Montevallo—Employees—Teachers' Retirement System	James F. Vickrey, Jr.	9/12/80	80-00573
RIOT			
Insurance—Definition of "Riot or Civil Commotion"	Tharpe Forrester	9/ 2/80	80-00529
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Discussion of types of work county is permitted to perform	James H. McClendon	7/ 3/80	80-00448
Discussion of types of work permitted in newly incorporated municipality	William O. Walton, Jr.	8/11/80	80-00507
Geneva County—Public roads—Repair bridges	W. Phil Eldridge	9/23/80	80-00589
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Russell County—Taxation—Alcoholic beverages—Act 80-487	Charles W. Whatley	8/19/80	80-00516
Russell County—Taxation—Alcoholic beverages—Act 80-487	J. Pelham Ferrell	8/19/80	80-00517
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SAINT CLAIR COUNTY			
Discussion of types of work county is permitted to perform	James H. McClendon	7/ 3/80	80-00448
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Franklin County—Employees—Salaries	Robert E. Cooper	9/ 2/80	80-00532
Court Reporters—30th Judicial Circuit—Compensation	Carl D. Nesmith	9/17/80	80-00580
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Boards of Education—Disposition of school lands	Donald G. Holmes	8/19/80	80-00511
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Securities Commission—Insurance—Pre-need funeral purchase certificate	Thomas L. Krebs	7/ 3/80	80-00446
SECURITIES COMMISSION			
Securities Commission—Insurance—Pre-need funeral purchase certificate	Thomas L. Krebs	7/ 3/80	80-00446
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Sheriff—Funds—Transfer to statewide Supernumerary Sheriffs' Program	M. S. Butler	7/ 2/80	80-00436
County Commission may cut Sheriff's Department expenditures	John H. Jackson, Jr.	7/ 3/80	80-00438

Sheriffs are not State officials within scope of Nepotism Law	Harold Anderson	7/10/80	80-00459
DeKalb County—Sheriffs—Supernumerary Sheriffs	J. Harold Richards	7/10/80	80-00463
Sheriffs entitled to $1.75 per day per prisoner for food in addition to $1.25 per day per prisoner conditional on Governor's approval	G. C. Dean, Jr.	7/28/80	80-00472
Sheriff—Confer authority to arrest—Reserve Deputy Sheriff	Joe W. Patterson	9/ 2/80	80-00530
Service as MP officer—Creditable service time—Supernumerary Sheriff	Billy G. Morris	9/ 2/80	80-00531
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Gift of real property under **Code of Alabama 1975,** Section 9-8-25(a)(5) discussed	G. B. Register	7/28/80	80-00478
SOLID WASTE DISPOSAL			
Expenditure of county funds for the abatement of unauthorized solid waste dumps discussed	James Record	8/11/80	80-00503
SOVEREIGN IMMUNITY			
Northwest Mental Health Center—Sovereign immunity	R. G. Britton	8/ 6/80	80-00492
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STATE DEPARTMENTS AND AGENCIES			
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STATE EMPLOYEES			
Employees covered by Act 80-699 are in classified service of the State	Wayne Teague	7/21/80	80-00470
STATE HEALTH PLANNING AND DEVELOPMENT AGENCY			
Health care facility in existence prior to effective date of CON Law entitled to CON under Grandfather Clauses	Hinton Mitchem	7/21/80	80-00467
STATE INSURANCE FUND			
State Insurance Fund acting through Finance Director with approval of Governor may purchase investment property	Sid McDonald	7/18/80	80-00466
STATE PLANNING & FEDERAL PROGRAMS, OFFICE OF			
Office of State Planning & Federal Programs—Employees—Merit System	Bob A. Davis	8/11/80	80-00506
STATE PROPERTY			
State Insurance Fund acting through Finance Director with approval of Governor may purchase investment property	Sid McDonald	7/18/80	80-00466

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TALLAPOOSA COUNTY			
Probate Judge of Tallapoosa County cannot collect fee provided in act which was not advertised	Ted D. Little	8/ 6/80	80-00496
TAX ASSESSORS			
Tax Assessor—Costs of advertising—Reappraisal	Alleen L. Cargile	7/28/80	80-00475
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Staggered system of registration—Motor vehicle licenses	C. D. Covington	9/12/80	80-00560
Macon County—Tax Assessor—Tax collector	Fred D. Gray	9/12/80	80-00574
TAX COLLECTORS			
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Macon County—Tax Assessor—Tax Collector	Fred D. Gray	9/12/80	80-00574
TAX SALES			
Taxation—Tax Collectors—Tax sales	Margaret P. Bass	7/14/80	80-00465
Tax Assessor—Costs of advertising—Reappraisal	Alleen L. Cargile	7/28/80	80-00475
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Russell County—Taxation—Alcoholic beverages—Act 80-487	J. Pelham Ferrell	8/19/80	80-00517
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Vacant lot in subdivision—Current use valuation	B. P. Lovelace, Jr.	9/ 2/80	80-00535
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UNIVERSITY OF ALABAMA			
University of Alabama—Board of Trustees—Confirmation	Arthur Payne	9/10/80	80-00545

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WASHINGTON COUNTY			
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Russell County—Taxation—Alcoholic beverages—Act 80-487	J. Pelham Ferrell	8/19/80	80-00517
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ACT NO. 80-514			
Macon County—Tax Assessor—Tax Collector	Fred D. Gray	9/12/80	80-00574

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CODE OF ALABAMA 1975, SECTION 09-11-90 Commercial fishing—Game fish	John W. Starnes	9/22/80	80-00582
CODE OF ALABAMA 1975, SECTION 13A-11-10 Public intoxication—Arrest	J. C. Carr	9/12/80	80-00549
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CODE OF ALABAMA 1975, SECTION 34-21-2 Board of Nursing—Appointment—Professional nursing	Betty Tomlin	9/12/80	80-00572
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